

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1 and 9 have been amended. Claims 1, 5-7, 9, 10 and 15-17 are pending in the application.

CLAIM REJECTIONS – 112

Claims 9, 10 and 15-17 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement.

Independent claim 9, and additionally independent claim 1, have been amended to replace the transitional phrase “consisting of” of “with “comprising” in order to overcome the Examiner’s enablement rejections. Specifically, it is respectfully submitted that in their present form both claims 1 and 9 are enabled by the specification and are in compliance with 35 USC 112, first paragraph.

Claims 5-7, 10 and 15-17 depend on one of claims 1 and 9, respectively, and are therefore believed to be enabled for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

CLAIM REJECTIONS – 102 and 103

Claims 1, 5, 7, 9, 10, 15 and 17 were rejected under 35 USC 102(b) as being anticipated by Masayuki (JP 10-162464) (hereinafter “Masayuki”).

Claims 6 and 16 were rejected under 35 USC 103(a) as being unpatentable over Masayuki in view of Bronshvatch et al. (US 5,528,434) (hereinafter “Bronshvatch”).

Claims 1 and 5-7

Amended claim 1 recites: “...all screw coupling holes into which screws are inserted to be coupled to an upper end portion of the spindle motor being of a circular shape and provided at intervals of a predetermined distance along a uniform circumference inside the stress distribution portion...” Support for this amendment may be found in at least Figures 5-7 of the present application.

In the Office Action, the Examiner particularly relies on Figure 7 of Masayuki to show this feature of claim 1. However, in its present form claim 1 recites that all of the screw coupling holes into which screws are inserted to be coupled to an upper end portion of the spindle motor

are **circular** shape and additionally are provided at intervals of a predetermined distance along a uniform circumference.

By contrast, Figure 7 of Masayuki shows long holes 70 that have an oval shape so that the lock screws attaching the disk presser foot 50 may be adjusted along either a first edge 70a or second edge 70b. See Masayuki, English Translation, paragraphs [0043] – [0045].

In Masayuki, by having screw holes of an oblong shape, the stress concentrates on the screwed portions designated by either 70a or 70b of Figure 7 of Masayuki, while leaving an open portion of the disk presser foot and causes uneven stress to be directly transferred to the disk 16a and therefore prevents stress applied to the disk 16a from being uniformly distributed in the circumferential direction. This causes waviness in the disk 16a so that the flatness of the disk 16a is impaired.

By contrast, the technical feature of claim 1 of all screw coupling holes into which screws are inserted to be coupled to an upper end portion of the spindle motor being of a circular shape and provided at intervals of a predetermined distance along a uniform circumference inside the stress distribution portion provides that the stress applied to the disk may be distributed uniformly in the circumferential direction of the disk by the stress distribution portion so that the flatness of the disk is improved, and accordingly, vibration of the disk is reduced, and the data recording/reproduction ability by the magnetic head and reliability thereof are improved.

Claims 5-7 are dependent on claim 1, and are therefore believed to be allowable for the foregoing reasons.

Withdrawal of the foregoing rejections is requested.

Claims 9, 10 and 15-17

Amended Claim 9 recites: "...an inner portion having a plurality of circular apertures, all of which being arranged along a uniform circumference at predetermined intervals, the circumference being inside the substantially wave-shaped edge portion..." Support for this amendment may be found in at least Figures 5-7 of the present application.

In the Office Action, the Examiner particularly relies on Figure 7 of Masayuki to show this feature of claim 9. Similar to the argument for claim 1, in its present form claim 9 recites that the apertures are **circular**. By contrast, Figure 7 of Masayuki shows long holes 70 that have an oval shape so that the lock screws attaching the disk presser foot 50 may be adjusted along either a first edge 70a or second edge 70b. See Masayuki, English Translation, paragraphs [0043] –

[0045]. Accordingly, it is respectfully submitted that Masayuki does not anticipate claim 9 in its present form.

Claims 10 and 15-17 are dependent on claim 9, and are therefore believed to be allowable for the foregoing reasons.

Withdrawal of the foregoing rejections is requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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